

FORM PTO-1390 (Modified)
(REV 10-95)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER

TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371

FLA-0010

U.S. APPLICATION NO. (IF KNOWN, SEE 37 CFR

09/308408

INTERNATIONAL APPLICATION NO.
PCT/EP97/05609INTERNATIONAL FILING DATE
10 October 1997PRIORITY DATE CLAIMED
27 November 1996

TITLE OF INVENTION

STORAGE DEVICE FOR MEDICAL SWABS

APPLICANT(S) FOR DO/EO/US

FELLINGER, Andreas

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4. ☒ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☒ A copy of the International Application as filed (35 U.S.C. 371 (c) (2))
 - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☒ has been transmitted by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
- ☒ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
- ☒ A copy of the International Search Report (PCT/ISA/210).
- ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
 - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ have been transmitted by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☒ have not been made and will not be made.
- ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
- ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
- ☒ A copy of the International Preliminary Examination Report (PCT/IPEA/409).
- ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).

Items 13 to 18 below concern document(s) or information included:

13. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15. ☒ A **FIRST** preliminary amendment.
A **SECOND** or **SUBSEQUENT** preliminary amendment.
16. ☐ A substitute specification.
17. ☐ A change of power of attorney and/or address letter.
18. ☐ Certificate of Mailing by Express Mail
19. ☐ Other items or information:

"EXPRESS MAIL" Mailing Label No. EL292/5112945

Date of Deposit 19 May 1999

I hereby certify that the paper or fee is being deposited with the United States Patent Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner of Patents and Trademarks, Washington, D. C. 20231

DEBORAH EHRET

(MAILER)

Deborah Ehret

(SIGNATURE)

U.S. APPLICATION NO. (IF KNOWN, SEE 37 CFR	INTERNATIONAL APPLICATION NO. PCT/EP97/05609	ATTORNEY'S DOCKET NUMBER FLA-0010
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20. The following fees are submitted:

BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)) :

☒ Search Report has been prepared by the EPO or JPO **\$840.00**

☐ International preliminary examination fee paid to USPTO (37 CFR 1.482) **\$670.00**

☐ No international preliminary examination fee paid to USPTO (37 CFR 1.482) but international search fee paid to USPTO (37 CFR 1.445(a)(2)) **\$760.00**

☐ Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO **\$970.00**

☐ International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(2)-(4) **\$96.00**

ENTER APPROPRIATE BASIC FEE AMOUNT =

Surcharge of **\$130.00** for furnishing the oath or declaration later than ☐ 20 ☐ 30 months from the earliest claimed priority date (37 CFR 1.492 (e)).

CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE
Total claims	8 - 20 =	0	x \$18.00
Independent claims	1 - 3 =	0	x \$78.00
Multiple Dependent Claims (check if applicable). <input type="checkbox"/>			

TOTAL OF ABOVE CALCULATIONS =

Reduction of 1/2 for filing by small entity, if applicable. Verified Small Entity Statement must also be filed (Note 37 CFR 1.9, 1.27, 1.28) (check if applicable). ☐

SUBTOTAL =

Processing fee of **\$130.00** for furnishing the English translation later than ☐ 20 ☐ 30 months from the earliest claimed priority date (37 CFR 1.492 (f)).

TOTAL NATIONAL FEE =

Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31) (check if applicable). ☐

TOTAL FEES ENCLOSED =

Amount to be:	\$
refunded	
charged	\$

CALCULATIONS

PTO USE ONLY

☒ A check in the amount of **\$840.00** to cover the above fees is enclosed.

☐ Please charge my Deposit Account No. _____ in the amount of _____ to cover the above fees.
A duplicate copy of this sheet is enclosed.

☒ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. **12-1086** A duplicate copy of this sheet is enclosed.

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

Jane Massey Licata
Law Offices of Jane Massey Licata
66 E. Main Street
Marlton, New Jersey 08053

(609) 810-1515

Jane Massey Licata
SIGNATURE

LICATA, Jane Massey
NAME

32,257
REGISTRATION NUMBER

May 19, 1999
DATE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No.: FLA-0010
Inventors: Andreas Fellingner
Serial No.: PCT/EP97/05609
U.S. Serial No.: n/a
Filing Date: October 10, 1997
U.S. Filing Date: Herewith
Examiner: n/a
Group Art Unit: n/a
Title: Storage Device for Medical Swabs

"Express Mail" Label No. EL292151129US
Date of Deposit: May 19, 1999

I hereby certify that this paper is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

By Deborah Ehret
Typed Name: Deborah Ehret

Honorable Commissioner for
Patents
Box PCT
Washington, D.C. 20231

Dear Sir:

PRELIMINARY AMENDMENT

Please amend the above-referenced application as follows:

IN THE CLAIMS:

Please cancel claims 1-7.

Please add the following new claims:

--8. Storage device for medical swabs comprising a wrapper for the medical swabs wherein the wrapper is formed by adjacently disposed chambers which are sealed bacteria-tight and the size of the chambers is determined by the number and size of the swabs kept in stock in each of the chambers and wherein the wrapper can be stored rolled up or in an accordion-folded position.

9. The storage device of claim 8 wherein the wrapper comprises a flexible base layer and a flexible covering bonded to the base layer and wherein the chambers are formed by areas spaced apart in one of the two layers, which areas are convex relative to each other.

10. The storage device of claim 8 further comprising strips intended to be torn provided between the chambers.

11. The storage device of claim 9 further comprising strips intended to be torn provided between the chambers.

12. The storage device of claim 8 wherein the chambers are disposed in a row or in several parallel rows.

15. The storage device of claim 8 wherein the envelope is disposed rolled up or in an accordion folded position in a dispenser with a removal opening in the form of a secondary pack.--

Claims 1-7 in PCT/EP97/05609 have been canceled and replaced with claims 8-15 for entry into National Phase to conform the

Preliminary Amendment
PCT/EP97/05609
Attorney Docket No: FLA-0010
Page 4

claims to U.S. practice. No new matter has been added.

Respectfully submitted,

Jane Massey Licata

Jane Massey Licata
Registration No. 32,257

Date: May 19, 1999

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Storage device for medical swabs

The invention relates to a storage device for swabs, in particular sterilized medical swabs.

Medical swabs are kept in stock sterilized in a multipack. They are used singly and are taken singly from a multipack. After opening of the multipack and removal of the first swabs, the sterility of the remaining swabs in stock is no longer ensured so that they have to be resterilized. It is not possible to ensure sterility of the swabs present in a multipack once it has been opened even if the multipack is disposed in another, secondary pack.

The invention is based on the object of producing a storage device which allows single sterilized swabs to be removed while ensuring the sterility of the remaining swabs in stock in the storage device. It is an additional intention to minimize the space required for the storage device.

This object is achieved in a storage device according to the precharacterizing clause of Claim 1 through the characterizing features thereof.

The storage device according to the invention has an envelope consisting of single chambers, which are sealed bacteria-tight, for the swabs, which are disposed adjacently. The size of the chambers is determined by the number and the size of the swabs kept in stock in each of them, it being intended, so ensure absolute sterility, that only one swab should be kept in stock in one chamber, so that each swab can be removed sterilized from the storage device. For areas of medicine where a large number of swabs is used, the sterility of a second swab which is kept in stock and, after removal of the first swab, remains for a

short time in the same chamber is likewise ensured so that it is also perfectly possible for two swabs to be kept in stock in one chamber in a storage device for swabs used in such areas. The envelope must be sufficiently flexible that it can be kept in stock rolled up or concertinaed.

To this end, the envelope can consist of a flexible base layer and of a flexible covering layer bonded thereto, and one of these layers has areas of convexity relative to the other layer to form the chambers.

It is possible to provide strips intended to be torn through between the chambers in order to facilitate removal of a swab from the storage device and in order to improve overall the convenience of using the latter.

The chambers can be provided in a row or in several parallel rows and, in order to save space, the chambers in adjacent rows can be disposed offset relative to one another in order to minimize the spaces between.

The chambers can be formed in a simple manner by receiving depressions in the base layers which are covered by the covering layer. It is also possible, moreover, for each receiving depression to be sealed by an isolated covering layer.

The receiving depressions can moreover be produced by a thermoforming process, and the disposition of the covering layer or of the individual covering layers can take place by welding or sealing in order to produce integral bonding between the layers.

The invention is explained hereinafter by means of an exemplary embodiment. The relevant drawing shows:

Figure 2: a perspective view of the storage device.

Figure 2 shows the storage device with envelope 3 rolled up. A dispenser 8 is indicated by dashed lines, and it

surrounds the rolled-up envelope 3 and has a removal opening 9 through which the envelope 3 can be pulled and divided into single chambers at the strips 7 intended to be torn through. The chambers 4 are opened by pressing a finger on the covering layer, causing it to tear inwards.

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CLAIMS

1. Storage device for medical swabs having an envelope for the latter, characterized in that the envelope is formed by adjacently disposed chambers, which are sealed bacteria-tight, for the swabs, the size of the chambers being determined by the number and the size of the swabs kept in stock in each of these, and in that the envelope can be kept in stock rolled up or concertinaed.

2. Storage device according to Claim 1, characterized in that the envelope has a flexible base layer and a flexible covering layer bonded to the latter, and in that the chambers are formed by areas spaced apart in one of the two layers, which areas are convex relative to the other layer.

3. Storage device according to Claim 1 or 2, characterized in that strips intended to be torn through are provided between the chambers.

4. Storage device according to any of the preceding claims, characterized in that the chambers are disposed in a row or in several parallel rows.

5. Storage device according to Claim 2, characterized in that the chambers are formed by receiving depressions which are provided in the base layer and which are sealed by the covering layer.

6. Storage device according to any of the preceding claims, characterized in that the chambers are equipped with an aid to opening.

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7. Storage device according to any of the preceding claims, characterized in that the envelope is disposed rolled up or concertinaed in a dispenser with a removal opening in the form of a secondary pack.

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ABSTRACT

A storage device for medical swabs having an envelope for the latter is characterized in that the envelope is formed by adjacently disposed chambers which are sealed bacteria-tight for the swabs, the size of the chambers being determined by the number and the size of the swabs kept in stock in each of these, and in that the envelope can be kept in stock rolled up or concertinaed.

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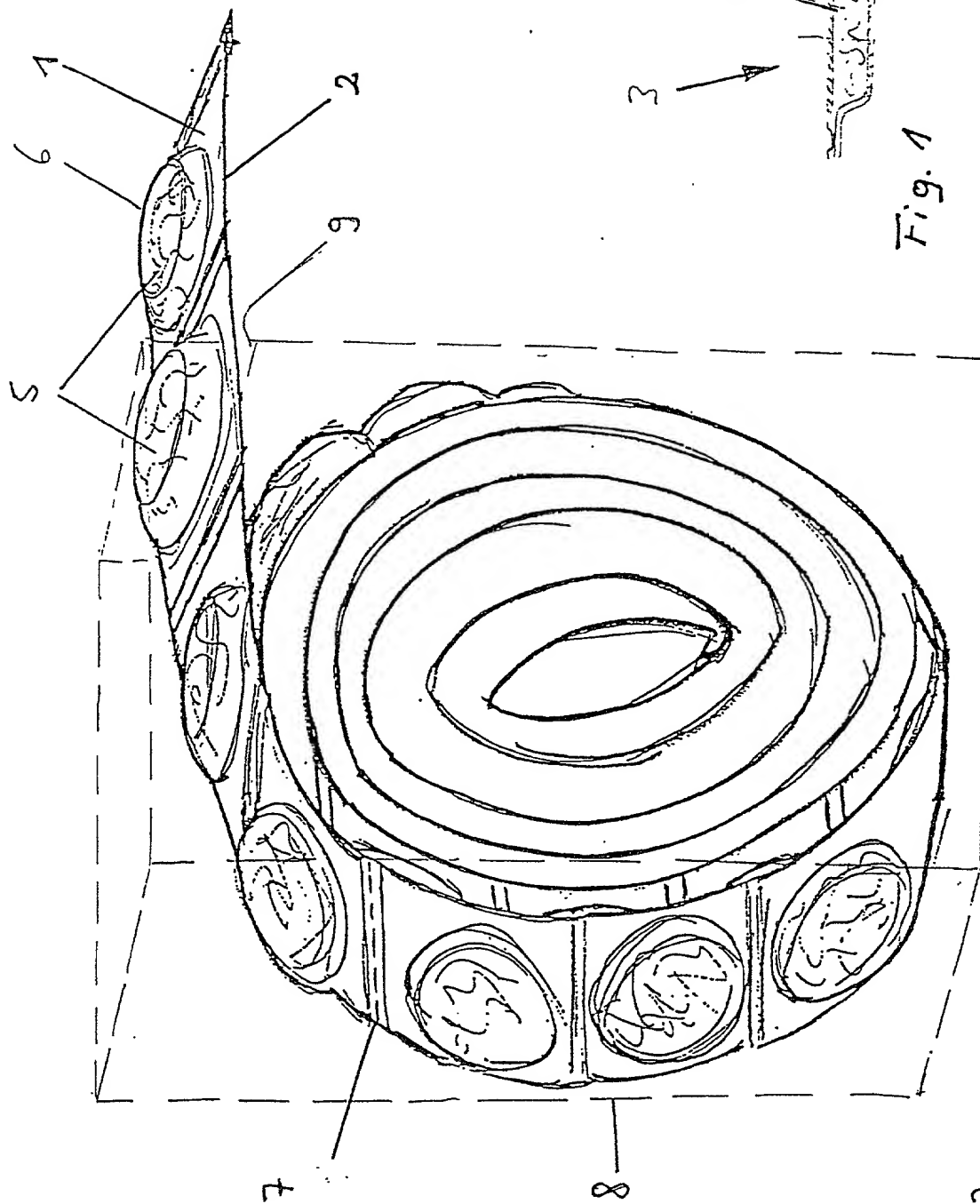


Fig. 2

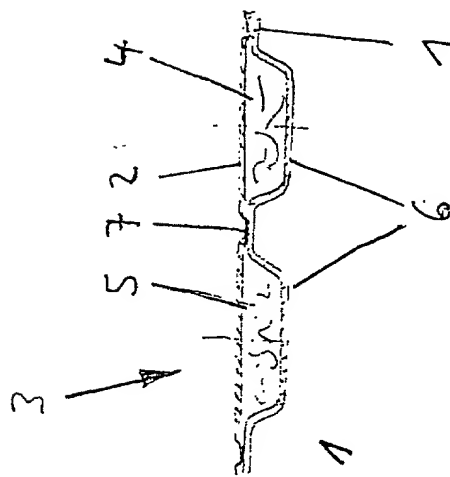


Fig. 1

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Attorney Docket No.: FLA-0010

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name; and

I verily believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **Storage Device for Medical Swabs** the specification of which:

() is attached hereto.

(XX) was filed on 10 October 1997 as Application Serial No. PCT/EP97/05609 and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to be material to the patentability of this application in accordance with 37 CFR §1.56.

I hereby claim foreign priority benefits under 35 U.S.C. §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of any application on which priority is claimed:

Country	Number	Date Filed	Priority Claimed			
Germany	296 20 636.9	Nov. 27, 1996	Yes	X	No	
			Yes		No	
			Yes		No	

I hereby claim the benefit under 35 U.S.C. §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of 35 U.S.C. §112, I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to be material to patentability as defined in 37 CFR §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

Application Serial No.	Filing Date	Status (pending, patented)

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: **Jane Massey Licata and Kathleen A. Tyrrell**, Registration Nos. 32,257 and 38,350, respectively, of the firm of **Law Offices of Jane Massey Licata**, 66 E. Main Street, Marlton, New Jersey 08053, and

Address all telephone calls and correspondence to:

Jane Massey Licata, Esq.

Law Offices of Jane Massey Licata

66 E. Main Street

Marlton, New Jersey 08053

Telephone No.: (609) 810-1515

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the

United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

1	Full Name: <u>1-00</u> <u>Andreas Fellingner</u>	Inventor's Signature: <u>Andreas Fellingner</u>	Date: <u>1.5.55</u>
	Residence: Elsbachweg 26 D-56459 Ailertchen, Germany <u>DEX</u>	Citizenship: German	
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2	Full Name:	Inventor's Signature:	Date
	Residence:	Citizenship:	
	Post Office Address: Same as above.		
3	Full Name:	Inventor's Signature:	Date
	Residence:	Citizenship:	
	Post Office Address: Same as above.		
4	Full Name:	Inventor's Signature:	Date
	Residence:	Citizenship:	
	Post Office Address: Same as above.		
5	Full Name:	Inventor's Signature:	Date
	Residence:	Citizenship:	
	Post Office Address: Same as above.		